

LEGISLATIVE COUNCIL

House Majority Caucus Room

Boise, Idaho

May 4, 2006

MINUTES

The meeting was called to order at 9:00 a.m. by Speaker Bruce Newcomb, co-chair. Members of the Legislative Council in attendance were Pro Tem Robert L. Geddes, co-chair; Senators Bart Davis, Patti Anne Lodge, Dick Compton, Clint Stennett, Elliot Werk and David Langhorst; and Representatives Lawrence Denney, Frances Field, Gary Collins, Wendy Jaquet, Mary Lou Shepherd and Elaine Smith. Also in attendance or participating in the meeting were Senator Denton Darrington, Senator Joe Stegner, Senator Brad Little, Jeannine Wood, Kent Kunz and Rakesh Mohan. Legislative Services Office staff in attendance included Jeff Youtz, Mike Nugent, Ray Ineck, Glenn Harris, Paige Parker, Cathy Holland-Smith, Eric Milstead, Carl Bianchi and Sheila Ison.

Minutes of the November 10, 2005, Legislative Council meeting were approved unanimously on a motion by Senator Werk, seconded by Rep. Jaquet.

2006 DEBRIEFING

Due to time constraints, the Council held an abbreviated debriefing on the 2006 legislative session. Carl Bianchi noted that LSO's Research and Legislation section had been able to prepare RS's within five working days in over 97 percent of the requests from legislators. Budget and Policy Analysis staff was directly involved with some of the most significant issues of the session, including GARVEE, Medicaid reform, public school facilities, property taxes, the Capitol restoration, Parks and Recreation, and Correction's growth. JFAC hit its target dates for budget hearings and completing the budget setting process. Computer support received a 4.94 percent out of 5.00 rating from legislators, and attaches rated the Network Administration staff's performance as a perfect 5.00, in spite of introducing a new wireless network, scanners, new spyware filter, and significant e-mail enhancements. Most of the network communications problems were caused by overuse of the state's Internet bandwidth, since state agencies are using over 100 percent of the state's current Internet capacity. Carl has asked Glenn Harris to obtain costs for expanding the bandwidth and to alert JFAC to this statewide problem.

The Information Center reported that the two highest volume phone call days were regarding high school redesign and the marriage amendment, while the greatest number of faxes received at one time was concerning the GARVEE highway spending bill. Senator Werk asked whether something would be done about the Information Center phones that would ring indefinitely without receiving a message that the lines were busy, and Glenn will follow up with Georgia Marshall to see that this is fixed for the 2007 session. Carl also noted that the reports of interim committees that were made on the first two days of the 2006 session were very well received and should be continued in future sessions.

Representative Jaquet inquired about the format and length of committee minutes. Pamm Juker said that other than instructing committee secretaries that minutes do not have to be verbatim, secretaries are asked to work out with their individual chairs as to the format and level of detail of minutes. Pro Tem Geddes thought that while it was the chair's prerogative to set a standard for minutes, that it was up to the individual committee as to whether to accept or reject minutes. Jeannine Wood thought that committee secretaries are so busy now, that requiring a greater level of detail in minutes might require additional staff — it is an issue of the amount of time available, especially with committees that meet daily. Representative Jaquet will visit with her individual committee chairs in the next session as a result.

CAPITOL RESTORATION AND DESIGN UPDATE

Jeff Youtz reported on the activities of the legislator advisory committee that will provide legislative space allocation and design recommendations to the Capitol Commission. The committee has held two meetings and made a series of recommendations to the consultants who are preparing preliminary design requirements for the modifications to the main Capitol Building and the new design for the atrium wings. Senator Stegner noted that one of the biggest changes through the restoration will be in the transformation of the caucus rooms. During the restoration, the caucus rooms will be returned to their original form and function. As part of the original master plan, they will be returned to a “cloak room” style, restricted to members only, requiring a shift of the Majority Caucus Room to the fourth floor.

Representative Jaquet thought that LSO staff should have offices in the atrium wings, since unlike legislators who are here only part of the year, they are in the building year round. Senator Stennett was concerned that LSO not be located totally within either the Senate or the House wing, because of concerns about becoming or being perceived as becoming attached to either the House or the Senate.

RELOCATION

Jeff Youtz reported on plans for the first meeting of the Advisory Committee on Relocation. Jeff reported that leadership's interim study committee had expressed a preference for holding the 2008 and 2009 legislative sessions in the modestly remodeled former Ada County Courthouse, and thus recommended putting the several million dollars relocation lease costs into building improvements instead. He outlined initial plans for how the courthouse building could be used for the sessions, and also to house legislative staff for the approximately 30 months they will be out of the Capitol Building during the restoration.

In response to a question from Senator Langhorst, Jeff said that after the Legislature moved back into the Capitol Building, the courthouse could continue to be used as swing space for Borah Building occupants during that building's remodeling. Senator Stennett wondered whether the Legislature should consider doing its business differently during the sessions when it would be out of the Capitol Building, and that all options should be on the table. Jeff said that leadership is already discussing possible approaches, such as changing some deadlines to shorten the session. Representative Smith wondered where public viewing rooms will be in the courthouse, since the

courtroom “chambers” would not include a public gallery. Jeff said that initial plans included video streaming the chambers’ proceedings into hearing rooms where the public could sit and watch, as well as considering other remote locations for Internet video streaming on the Capitol Mall. A public communication effort should include notifying school superintendents that school visits would be more difficult during the sessions outside of the Capitol Building.

LEGISLATIVE COMPENSATION

Carl Bianchi reviewed a report he had prepared at Pro Tem Geddes’ request that explains how legislative compensation is established and illustrates changes in legislative compensation in recent years. Senator Stennett suggested that efforts should be made to compensate legislators for travel in rural districts, and that the 10 self-certified days had served that purpose when they were in effect. Senator Davis thought that the amount of time spent on legislative work was as important as the geography and travel, and that the salary is intended to compensate for these expenses. Representative Smith observed that from her urban district she has attended distant locations in such places as Preston, Blackfoot and Idaho Falls. Representative Shepherd noted that “all of Idaho is rural — some is just more rural than others.” She commented on having to travel around through Montana in the wintertime due to closed roads.

Senator Darrington said that constituent work has more than quadrupled over the years, because of the increases in the complexity of government and increases in population, which supports the need for increases in legislative salaries and expenses. He added that a one-hour meeting for a rural legislator often takes an entire day when you include the travel. Senator Stennett said that he wanted to clarify that his suggestion was to be compensated for the expensive rural districts, not necessarily to be paid more. Pro Tem Geddes is drafting a letter to the Citizens’ Committee on Legislative Compensation, and recommended that Senator Darrington appear before the committee to express some of the needs and concerns of legislators that he had articulated.

2006 NEW LEGISLATOR ORIENTATION ISSUES

Carl Bianchi asked the Council to consider whether the general format and amount of time allotted for the New Legislator Orientation in 2004 should be the model for the 2006 orientation. Senator Compton thought the amount of time spent on ethics could be expanded, with more concrete examples. Senator Stennett thought it would be helpful to have more emphasis on Mason’s and parliamentary procedure, while other members felt that might be more useful during a second session, when new legislators will have had more experience. Senator Langhorst thought that given the amount of time allotted, the orientation was excellent, and that we were probably finding the right balance with the present approach.

Council members liked the idea, suggested by Senator John Goedde, of having a refresher course for new committee chairs before the 2007 session, especially because of the number of new chairs coming in. Senator Compton recommended an NCSL tape, “How to be an Effective Chairman,” for all new chairs. Senator Lodge thought that interim committee chairs might benefit from training as well.

Council members also liked the idea of considering a “Law School for Legislators,” where they could hear about such subjects as the role of the courts, how courts interpret statutes, the general foundations of American law, and concepts of the separation of powers and checks and balances. They asked Carl to pursue this idea with State Bar representatives.

LEGISLATIVE COUNCIL APPOINTMENTS TO INTERIM COMMITTEES

Council members discussed various approaches to the number and the distribution of party members on the Legislative Council interim committees. On a motion by Pro Tem Geddes, seconded by Senator Stennett, it was agreed that the Energy, Environment and Technology Interim Committee would be a 14-member committee, with 7 members from each house, that the Natural Resources Interim Committee would remain at the present membership level, and that the new Mental Health and Substance Abuse Treatment Interim Committee (HCR 63) would be 5 members from the Senate and 5 members from the House. On a motion by Senator Davis, seconded by Representative Jaquet, Council members voted to establish the size of the Postsecondary Education Interim Committee (community colleges) (SCR 132) at 18 members, with 7 Republicans and 2 Democrats from each house.

Following the lunch break, the Council reconvened and voted on a motion by Pro Tem Geddes, for some adjustments in the membership of the existing Energy, Environment and Technology Interim Committee, partly occasioned by the resignation of Senator Hill and the addition of ad hoc members, and, with the exception of minor changes in ad hoc membership, to keep the membership in place on the existing Natural Resources Interim Committee. The membership of these two committees is listed in Attachment A to these minutes.

The Council then voted unanimously on a motion by Senator Davis, seconded by Representative Denney, to establish the membership of the Mental Health and Substance Abuse Treatment Interim Committee, and then again unanimously on a motion by Senator Davis, seconded by Senator Lodge, to establish the membership of the Postsecondary Education Interim Committee. The membership of these two new interim committees is listed in Attachment B.

DIRECTOR INTERVIEWS

Legislative Council then proceeded to interview seven applicants for the position of Director of Legislative Services, to replace Carl Bianchi, who is retiring on August 1. Following the interviews, by a vote of 11 to 3, with Senators Stennett, Werk and Langhorst voting “no,” the Council approved meeting in executive session to discuss matters relating to the personnel decision involving a legislative employee.

After discussion, the Council reconvened in public session, and on a motion by Representative Frances Field, seconded by Senator Werk, the Council voted unanimously to authorize the majority and minority leaders to meet with Jeff Youtz to offer him the job of Director of Legislative Services, effective August 1, at an annual salary of \$91,000, subject to successful completion of a criminal background check.

MISCELLANEOUS

Council members received the drafts prepared by Legislative Services staff of the proposed constitutional amendment ballot statements and arguments for their review by Friday, May 19. If no comments or suggestions are received, the statements and arguments will be submitted to the Secretary of State on behalf of the Council. The Council will meet again in the fall, possibly close to the November 7 general election.

The Council meeting was adjourned at 6:45 p.m.